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Retirement System, Första-AP Fonden and
Danske Invest Management A/S*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HARRY W. PLICHTA, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

SUNPOWER CORPORATION, THOMAS
H. WERNER, DENNIS V. ARRIOLA,
EMMANUEL T. HERNANDEZ,
DEUTSCHE BANK SECURITIES INC.,
CREDIT SUISSE SECURITIES (USA)
LLC, LAZARD CAPITAL MARKETS
LLC, BARCLAYS CAPITAL INC., PIPER
JAFFRAY & CO., WACHOVIA CAPITAL
MARKETS, LLC n/k/a WELLS FARGO
SECURITIES, LLC, SL HARE CAPITAL,
INC., T.J. RODGERS, W. STEVE
ALBRECHT, BETSY S. ATKINS,
PATRICK WOOD, III & UWE-ERNST
BUFE,
Defendants.

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Case No. CV 09-5473-RS
(Consolidated)

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING SCHEDULE FOR
FILING AMENDED COMPLAINT
AND DEFENDANTS' RESPONSE**

AS MODIFIED BY THE COURT

1 WHEREAS, on May 28, 2010, Lead Plaintiffs Arkansas Teacher Retirement System,
2 Första-AP Fonden, and Danske Invest Management A/S (collectively, “Lead Plaintiffs”), filed
3 the Consolidated Class Action Complaint for Violation of the Federal Securities Laws [ECF No.
4 92] (the “Consolidated Complaint”);

5 WHEREAS, on August 5, 2010, Defendants filed motions to dismiss the Consolidated
6 Complaint [ECF Nos. 112, 122]; on September 22, 2010, Lead Plaintiffs filed an opposition to
7 Defendants’ motions to dismiss [ECF No. 136]; on October 21, 2010, Defendants filed replies in
8 support of their motions to dismiss [ECF Nos. 139, 140]; and on November 4, 2010, the Court
9 heard oral argument on the motions to dismiss [ECF No. 142];

10 WHEREAS, on March 1, 2011, the Court entered the Order Granting Motion To Dismiss
11 [ECF No. 149], granting Defendants’ motion to dismiss without prejudice and granting Lead
12 Plaintiffs leave to file an amended complaint within 20 days (*i.e.*, on or before March 21, 2011);

13 WHEREAS, pursuant to the February 23, 2011, Clerk’s Notice [ECF No. 148], a Case
14 Management Conference is scheduled for April 14, 2011, at 10:00 a.m., and the parties are to file
15 a Joint Case Management Statement at least one week prior to the Conference;

16 WHEREAS, due to preexisting scheduling conflicts, Lead Counsel for the Lead Plaintiffs
17 requested and counsel for the Defendants agreed as a matter of professional courtesy to an
18 extension to file the amended complaint on or before April 18, 2011; and

19 WHEREAS, to conserve judicial and party resources, the parties have met and conferred
20 regarding a deadline for Defendants to respond to Lead Plaintiffs’ amended complaint and a
21 briefing schedule in the event any Defendant responds to the amended complaint by motion.

22 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject
23 to the Court’s approval, as follows:

- 24 (1) The Case Management Conference scheduled for April 14, 2011, is taken off
25 calendar and the parties are not required to submit a Joint Case Management
26 Statement;
- 27 (2) Any amended complaint shall be filed on or before April 18, 2011;
- 28 (3) Defendants shall respond to the amended complaint on or before May 23, 2011;

- (4) In the event any of the Defendants respond to the amended complaint by motion, Lead Plaintiffs' opposition to such motion shall be filed on or before June 22, 2011;
- (5) Defendants shall file any reply on or before July 27, 2011; and
- (6) In the event any of the Defendants respond to the amended complaint by motion, such motion shall be heard on August 11, 2011, at 1:30 p.m., or at such time thereafter that is convenient to the Court, in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

Dated: March 11, 2011

Respectfully submitted,

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Wells Fargo Securities, LLC, and SL Hare Capital,
Inc.*

A Case Management Conference is hereby set for June 23, 2011, at 10:00 a.m., with a joint case management conference statement to be filed one week in advance. This date will be continued by the Court without need for any action by the parties in the event one or more defendants respond to the amended complaint by filing a motion, rather than answering.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/11, 2011



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE